



ITW / DAC
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Jan Forsl w

Application No.: 09/755,027

Filed: January 8, 2001

For: EXTRANET WORKGROUP FORM-
ATION ACROSS MULTIPLE MOBILE
VIRTUAL PRIVATE NETWORKS

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Atty Dkt No.: 000254.00012

Group Art Unit: 2143

Examiner: J. Pwu

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MAY 02 2005

OFFICE OF PETITIONS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT OR,
IN THE ALTERNATIVE, PETITION TO REVIVE UNDER 37 C.F.R. §1.137(a)**

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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O I P E / I A P**

AUG 15 2005

Dear Sir:

This paper is being filed in response to the Notice of Abandonment dated April 8, 2005. Because Applicant timely filed a response along with payment of the requisite extension fees, as discussed below, it is respectfully submitted that the holding of abandonment was in error and should be withdrawn. Because the holding of abandonment was an error on the part of the Patent and Trademark Office, it is believed that no fee is due for this submission. However, the Commissioner is authorized to charge our Deposit Account 19-0733 for any fee required in connection with this filing.

STATEMENT OF FACTS

Applicant filed a Response, along with a Petition for a Five-Month Extension of Time on November 26, 2004 in response to the Office Action dated May 26, 2004. The Response was filed by facsimile by the undersigned attorney along with a signed certificate of transmission. A copy of the Response and the signed certificate of transmission as filed are enclosed.



ALTERNATIVE PETITION TO REVIVE UNDER 37 C.F.R. §1.137(A)

In the event that the foregoing petition to revive is not granted, Applicant hereby petitions to revive the above-captioned application as being unavoidably abandoned pursuant to 37 C.F.R. § 1.137(a). Applicant was unaware that the Response was not of record until receiving the Notice of Abandonment dated April 8, 2005.

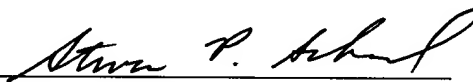
CONCLUSION

It is respectfully submitted that the April 8, 2005 holding of abandonment was erroneous on the part of the Patent and Trademark Office. Accordingly, it is respectfully requested that the holding be withdrawn and the subject application be examined on its merits.

Alternatively, if the Patent and Trademark Office determines that the Response was not timely filed, Applicant's failure to timely file a Response was unavoidable within the meaning of 37 C.F.R. § 1.137(a). At the very least, the delay was unintentional within the meaning of 37 C.F.R. § 1.137(b) and the subject petition should be granted on that ground.

Respectfully submitted,

Date: April 28, 2005

By: 
Steven P. Schad
Registration No. 32,550

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FACSIMILE TRANSMITTAL SHEET

TO: Examiner Thomas J. Mauro, Jr.	FROM: Steven P. Schad
COMPANY: U.S. Patent & Trademark Office	DATE: November 26, 2004
FAX NUMBER: 703-872-9306	TOTAL NO. OF PAGES: 5
RE: Election of Species	OUR REFERENCE NO.: 000254.00012

If you do not receive all page(s) or have any problems receiving this transmission, please call:

NAME: Beth Harrison **PHONE:** 202 824.3136

COMMENTS:

SN: 09/755,027
Inventor: Jan Forslow
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